

(a) Prior to the issuance of a certificate of compliance by the Director, the applicant shall furnish to the Director a certificate of insurance and a one-time only returnable bonding amounts for newsrack installations as follows:

Total Proposed Newsracks	Total Returnable Bond
1 to 4	\$150.00
5 to 10	300.00
11 to 20	500.00
21 and up	700.00

(b) Reasonable evidence of equivalent self-insurance coverage may be substituted by the applicant for the above certificate of insurance. Insurance under this section shall run continuously with the presence of the applicant's newsrack in Town rights-of-way, and any termination or lapse of such insurance shall be a violation of this ordinance, which may be set for a hearing before the special master.

**Section 6. Fees.** There shall be a one-time only certificate of compliance fee in the amount of fifty dollars (\$50.00) for each newspaper publisher plus ten dollars (\$10.00) per newsrack. Failed inspections are subject to a reinspection fee of five dollars (\$5.00). All of the above fees will be used to defray administrative expenses relating to this Ordinance only, and any revenues over expenses remaining after the implementation of this Ordinance will be returned to the newspaper publishers in proportion to their respective contributions.

**Section 7. Appeals.** Any applicant who has been denied a certificate of compliance pursuant to the provisions of this Ordinance may file an appeal with the Town Commission by requesting in writing to the Town Manager appearance before the Commission to review such denial. The appeal shall be heard by the Commission within thirty (30) days of the filing of the appeal unless the applicant agrees to a hearing more than 30 days from the denial. The decision of the Commission on appeal is subject to judicial review as provided by the laws of the state.

**Section 8. Placement Generally.** Subject to the prohibitions set forth in Section 11, newsracks shall be placed parallel to and not less than eighteen (18) inches nor more than twenty-four (24) inches from the edge of the curb. Newsracks placed near the wall of a building must be placed parallel to and not more than six (6) inches from the wall.

**Section 9. Installation and Maintenance.**

(a) Newsracks shall be single pedestal TK-80PM or K-80PM SHORACK or FN-80SP (with or without equivalent coin-box attachment) with special pedestal mount and fourteen-inch square base plate (mandated) or TK-80 or K-80 SHORACK or FN-80LB (with or without equivalent coin-box attachment) with special pedestal and fourteen-inch square base plate (allowed only if demand warrants at the installation location) or equivalent.

(b) Newsracks shall be dark green, or if located within a zoning district which specifies certain colors, it may be one of those colors provided all the newsracks are the same color. The height of the cabinet top of all newsracks shall be thirty-nine (39) inches above the finished grade level.

(c) Newsracks shall carry no card holders or advertising, but may display the name, with lettering and background of any colors, of the newspaper being dispensed, in spaces in the location and sizes set forth below.

(1) On the front of the newsrack, the lettering size shall not exceed one and three-quarters ( $1\frac{3}{4}$ ) inches height. The lettering shall be placed within a colored-band space not exceeding two and one-half ( $2\frac{1}{2}$ ) inches in height above the door hinge.

(2) On the sides and back of the newsrack, the lettering size shall not exceed two and one-half ( $2\frac{1}{2}$ ) inches in height. The lettering shall be placed within a colored-band space not exceeding four and one-half ( $4\frac{1}{2}$ ) inches in height and beginning one (1) inch from the top of the newsrack.

(d) Newsracks for free newspapers may omit the coin box and may have the full bar welded to the door to produce an "honor rack."

(e) Newsracks shall be maintained in good working order at all times, freshly painted and with unbroken hoods.

(f) Mounts shall be bolted in place through four (4) standard holes in the base plate in accordance with standards provided in Section 10. Newsrack cabinet tops shall be installed and checked for level; a water-soluble, paintable, ten-year calk of gloss brown color shall be applied and wiped to seal around the base plate and the mounting surface.

**Section 10. Newsrack Mounting Standards.** The following standards shall be applicable to the mounting of newsracks in this Town:

(1) Foundation four-inch minimum concrete, twenty-five hundred (2500) psi (twenty-eight-day strength), Class I.

(2) Two-inch minimum concrete edge distance for bolts.

(3) One-half inch chamfer all concrete edges.

(4) Three-eighths inch diameter hot-dipped galvanized hex bolt mounts, three inch minimum embedment, threads down, through four (4) corners of the pedestal base.

**Section 11. Specific Prohibitions.** No newsrack shall be placed, installed, used or maintained.

(1) Within five (5) feet of any marked crosswalk.

(2) Within ten (10) feet of any unmarked crosswalk.

(3) Within ten (10) feet of any fire hydrant, fire call box, police call box or other emergency facility.

(4) Within five (5) feet of any driveway.

(5) Within five (5) feet ahead of, and fifteen (15) feet to the rear of any sign marking a designated bus stop, measured along the edge of pavement.

(6) Within two (2) feet of any bus bench, or plaza bench.

(7) At any location whereby the clear space for passageway of pedestrians is reduced to less than six (6) feet.

(8) Where a vertically protruding member of the newsrack is on or within twelve (12) inches of any area improved with lawn or hedges or within three (3) feet of flowers or trees.

(9) Within three (3) feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window display purpose, or within five (5) feet of a building entrance.

(10) On or within two (2) feet of signs, parking meters, street lights or utility poles.

**Section 12. Enforcement Procedures - Nonconforming Newsracks.** Within one hundred fifty (150) days of the effective date of this Ordinance and at any time thereafter, any newsrack in violation of any provision of this Ordinance shall be subject to remedy and due process under the provisions of the Town Code pertaining to the code enforcement board.

**Section 13. Same - Abandoned Newsracks.**

(a) If any newsrack installed pursuant to this Ordinance does not contain the publication specified therefor within a period of forty-eight (48) hours after release of the current issue, the code enforcement division may deem the newsrack abandoned and remove said newsrack. In addition, a newsrack shall be deemed abandoned when no publication is in the newsrack for a period of more than seven (7) consecutive days.

(b) In the event a newspaper publishing company or its distributor desires to voluntarily abandon a newsrack location, the distributor shall notify the Director, completely remove the newsrack and mount, and restore the public right-of-way to a safe condition, leaving no holes or projections in the mounting surface.

**Section 14.** Effective Date. This ordinance shall take effect upon adoption.

Upon First Reading this 19<sup>th</sup> day of March, 2003 the foregoing ORDINANCE was offered by Commissioner Paul Garretson, who moved its approval. The motion was seconded by Vice Mayor Chuck Balius, and upon being put to a vote, the result was as follows:


	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>X</u>	_____
COMMISSIONER BILL OTTERSON	<u>X</u>	_____

Upon Second Reading this 7<sup>th</sup> day of May, 2003 the foregoing ORDINANCE was offered by Balius, who moved its adoption. The motion was seconded by Garretson, and upon being put to a vote, the result was as follows:

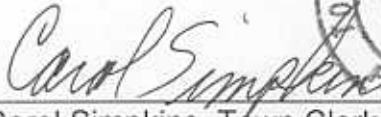
	AYE	NAY
MAYOR PAUL CASTRO	<u>X</u>	_____
VICE MAYOR CHUCK BALIUS	<u>X</u>	_____
COMMISSIONER PAUL GARRETSON	<u>X</u>	_____
COMMISSIONER JEANINE LONGTIN	<u>X</u>	_____
COMMISSIONER BILL OTTERSON	<u>X</u>	_____

The Mayor thereupon declared Ordinance 06-2003 duly passed and adopted this 7<sup>th</sup> day of May, 2003.

TOWN OF LAKE PARK, FLORIDA

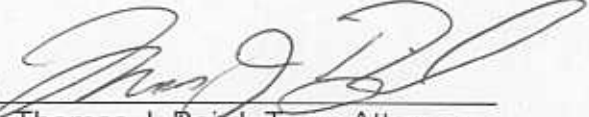
By:   
Mayor Paul Castro

ATTEST:

  
Carol Simpkins, Town Clerk



Approved as to form and legal sufficiency:

By:   
Thomas J. Baird, Town Attorney